

**UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:	§	Case No. 15-51704-cag
	§	
Lorraine Marie Vargas	§	Chapter 13
	§	
	§	
Debtor	§	Judge: Craig A. Gargotta

**DEBTOR’S MOTION TO MODIFY PLAN TO SURRENDER PROPERTY AND FIRST
REQUEST FOR ADDITIONAL ATTORNEY’S FEES.**

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY ONE (21) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

The Debtor, by undersigned attorney, hereby moves to modify the Chapter 13 Plan, to surrender property and first request for additional attorney’s fees. In support of this motion Debtor represents the following:

1. Per the confirmation order granting, Debtor’s Plan payment was to be \$650.00 per month for the remaining months in Debtor’s Chapter 13 Plan; which shall pay an approximate 3% dividend to general unsecured creditors.
2. Debtor’s proposed modification is intended to surrender personal property and as Debtor’s current vehicle listed on Schedule B as “2007 Ford Explorer” is in need of major repairs.

3. Further, Debtor hereby modifies the Confirmed Plan to surrender collateral listed on Schedule “B” as “2007 Ford Explorer” to secured Creditor – Wells Fargo Bank, N.A.
4. The secured claims of Wells Fargo Bank, N.A. shall no longer be paid directly by Debtor outside the Plan or by the Chapter 13 Trustee inside the plan. Creditor — Wells Fargo Bank, N.A. claims shall be surrendered in full satisfaction.
5. For these reasons, and pursuant to Debtor’s Amended Schedules I and J, filed on this same date, Debtor would like to modify the Plan. Beginning July 2016, Debtor’s Plan payment shall be \$435.00 per month and for the remaining months in Debtor’s Plan; which shall still pay an approximate 3% to general unsecured creditors with allowed claims without extending Debtor’s Plan beyond 60 months from Petition.
6. The modification proposed by the Debtor will not modify the rights of the holders of any priority or secured claim being dealt with under the plan—other than the claims of Creditor— Wells Fargo Bank, N.A.
7. The provisions set forth in the Confirmed Plan and the Order Confirming Plan—not specifically modified herein—remain unchanged and are incorporated herein by reference.
8. A proposed modified plan is attached hereto and a copy of the same, together with a copy of this motion, has been sent to the Chapter 13 Trustee, U.S. Trustee, all creditors and to all other interested parties listed below.
9. In addition, Debtor’s attorney, J. Robert Vanhemelrijck, requests \$548.00 (\$500.00 for attorney’s fees and \$48.00 for postage) in additional fees for the legal services provided in relation to this proposed modification. These services were not anticipated and are not among the services included in the standard benchmark fee set out in the Court’s Standing Order Relating to Attorney’s Fees in Chapter 13 Cases in the San Antonio Division, entered

on June 13, 2006. Further, to this date counsel has only been awarded the standard benchmark \$3,200.00 fee; thus, this is counsel's first request for additional fees. Counsel requests that these additional fees be paid as an administrative priority expense pursuant to the Court's Standing Order mentioned above.

WHEREFORE, the Debtor, pursuant to 11 U.S.C. Sec. 1329, pray that the Court grant this motion to modify Plan, to surrender property and grant this first request for additional attorney's fees.

DATE: July 7, 2017

/s/ J. Robert Vanhemelrijck
J. Robert Vanhemelrijck (24056468)
VANHEMELRIJCK LAW OFFICES, PC.
Attorney for Debtor
1100 N.W. Loop 410, Ste.215
San Antonio, TX 78213
Ph: (210) 804-1529
Fax: (866) 830-3521
Jrv@vanlaws.com

**UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:

Lorraine Marie Vargas

Debtor

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Case No. 15-51704-cag

Chapter 13

Judge: Craig A. Gargotta

AMENDMENT TO CONFIRMED CHAPTER 13 PLAN

Now come the Debtor herein, to amend the Plan to state:

1. Beginning July 2016, Debtor's Plan payment shall be \$435.00 per month and for the remaining months in Debtor's Plan; which shall pay an approximate 3% dividend to general unsecured creditors with allowed claims, without extending Debtor's Plan beyond 60 months from Petition.
2. Debtor surrenders all interests in the collateral listed on Schedule "B" as "2007 Ford Explorer" to secured Creditor – Wells Fargo Bank, N.A.
3. The secured claim of Wells Fargo Bank, N.A. shall no longer be paid directly by Debtor outside the Plan or by the Chapter 13 Trustee inside the Plan. Creditor—Wells Fargo Bank, N.A. claims shall be surrendered in full satisfaction.
4. The provisions set forth in the Confirmed Plan and the Order Confirming Plan—not specifically modified herein—remain unchanged and are incorporated herein by reference.
5. Debtor's attorney shall be allowed an additional \$548.00 (\$500.00 for attorney's fees and \$48.00 for postage) to be paid pursuant to this Court's Standing Order.
6. As modified, Debtors' Plan shall cure arrears incurred through June 2016—if any.

DATE: July 7, 2016

/s/ J. Robert Vanhemelrijck
J. Robert Vanhemelrijck (24056468)
VANHEMELRIJCK LAW OFFICES, PC.
Attorney for Debtor
1100 N.W. Loop 410, Ste.215
San Antonio, TX 78213
Ph: (210) 804-1529
Fax: (866) 830-3521
jrv@vanlaws.com

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

In re:

Lorraine Marie Vargas

Debtor

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Case No. 15-51704-cag

Chapter 13

Judge: Craig A. Gargotta

NOTICE AND CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing attached Motion was served this date in the manner and on the parties whose names and full addresses are listed below and for NOTICE that the attached Motion has been filed.

DATE: July 7, 2016

/s/ J. Robert Vanhemelrijck
J. Robert Vanhemelrijck (24056468)
VANHEMELRIJCK LAW OFFICES, PC.
Attorney for Debtor
1100 N.W. Loop 410, Ste.700
San Antonio, TX 78213
Ph: (210) 804-1529
Fax: (866) 830-3521
jrv@vanlaws.com

Notice Electronically to:

United States Trustee - SA12
US Trustee's Office
615 E Houston, Suite 533
PO Box 1539
San Antonio, TX 78295-1539

Mary K Viegelahn
Chapter 13 Trustee
10500 Heritage Blvd Suite 201
San Antonio, TX 78216

NOTICE VIA STANDARD U.S MAIL TO:

U.S. BANKRUPTCY COURT
615 E. HOUSTON STREET, ROOM 597
SAN ANTONIO, TX 78205-2055

911 Self Defense, Inc.
DBA Krav Maga Worldwide & STW
Defense Tactics
100 Crossroads Blvd., Ste. 103
San Antonio, TX 78201-6538

AT& T
Attn:Bankruptcy Dept
5407 Andrews Highway

Midland, TX 79706-2851

American Info Source LP as agent for
Direct TV, LLC
PO BOX 51178
Los Angeles, CA 90051-5478

American Medical Collection Agency
4 Westchester Plaza, Building 4
Elmsford, NY 10523-1612

Attorney General
Child Support
P.O. Box 12017
Austin, TX 78711-2017

Bank Of America
Po Box 84006
Columbus, GA 31908-4006

Bank of America
Attn: Correspondence Unit/CA6-919-02-41
Po Box 5170
Simi Valley, CA 93062-5170

Baptist Health System
P.O. Box 830913
Birmingham, AL 35283-0913

Bealls/Comenity Bank
Comenity Bank, Attn: Bankruptcy
Po Box 182686
Columbus, OH 43218-2686

Beneficial/hfc
Po Box 9068
Brandon, FL 33509-9068

Bexar County
c/o Don Stecker
711 Navarro, Suite 300
San Antonio, TX 78205-1749

Bexar County
c/o Donald P. Stecker
Linebarger Goggan Blair & Sampson, LLP
711 Navaro, Suite 300
San Antonio, TX 78205-1749

Bexar County Tax Assessor
P.O. Box 839950
San Antonio, TX 78283-3950

Business & Professional Services
621 N. Alamo St.
Attn: Bankruptcy
San Antonio, TX 78215-1836

Capital 1 Bank
Attn: General Correspondence
Po Box 30285
Salt Lake City, UT 84130-0285

Capital One, N.a.
Capital One Bank (USA) N.A.
Po Box 30285
Salt Lake City, UT 84130-0285

Cbe Group
131 Tower Park Dri
Waterloo, IA 50701-9374

Chase
Bank One Card Serv
Elgin, IL 60124

Chase
P.o. Box 15298
Wilmington, DE 19850-5298

Chase Bank USA. N.A.
Attn Bankruptcy Dept
PO Box 100018
Kennesaw, GA 30156-9204

Chrysler Financial
P.O. Box 961275
Fort Worth, TX 76161-0275

City of Balcones Heights
Justice Center
3300 Hillcrest Drive
San Antonio, TX 78201-7044

City of Windcrest
8601 Midcrown
San Antonio, TX 78239-2598

Clear Spring Loan Serv
7668 Warren Pkwy Ste 325
Frisco, TX 75034-4161

Clearspring Loan Services, Inc
18451 North Dallas Parkway Suite 100
Dallas, TX 75287-5209

Clearspring Loan Servicing
PO Box 52238
Idaho Falls, ID 83405-2238

Comenity Bank/New York & Company
Attention: Bankruptcy
Po Box 182686
Columbus, OH 43218-2686

Credit Management Lp
4200 International Pkwy
Carrollton, TX 75007-1912

Credit Systems Intl In
1277 Country Club Ln
Fort Worth, TX 76112-2304

Datasearch Inc
Pob 461289
San Antonio, TX 78246-1289

DIRECTV LLC
ATTN BANKRUPTCIES
PO BOX 6550
GREENWOOD VILLAGE CO 80155-6550

ER Solutions/Convergent Outsourcing, INC
Po Box 9004
Renton, WA 98057-9004

Enhanced Recovery Company, LLC
PO Box 1259, Dept 98696
Oaks, PA 19456-1259

Equifax
PO Box 740241
Atlanta, GA 30374-0241

Experian
PO Box 9701
Allen, TX 75013-9701

First National Collection Bureau
610 Waltham Way
Sparks, NV 89434-6695

Firstmark Credit Union
Attn: Emma
Po Box 701650
San Antonio, TX 78270-1650

GE Money Bank
Attn: Bankruptcy
PO Box 103104
Roswell, GA 30076-9104

GECRB / HH Gregg
Attention: Bankruptcy
Po Box 103104
Roswell, GA 30076-9104

Greater SA ER Physicians PA
PO Box 1221
San Antonio, TX 78294-1221

GREEN TREE SERVICING L
332 MINNESOTA ST STE E610
SAINT PAUL MN 55101-1311
USPS change

H.S.A. Fannie Mae Home Saver Advance
c/o ClearSpring Loan Services, Inc.
PO Box 52238
Idaho Falls, ID 83405-2238

HUD
615 East Houston Street, Suite 347
San Antonio, TX 78205-2053

Institute for Women's Health
367 E. Ramsey
San Antonio, TX 78216-4636

Internal Revenue Service

Special Procedures-Insolvency
P.O. Box 7346
Philadelphia, PA 19101-7346

LVNV Funding LLC
c/o Michael J. Scott
Scott, Parnell & Associates PC
1120 Metrocrest Dr., Ste 100
Carrollton, TX 75006-5862

LVNV Funding, LLC its successors and assigns
assignee of GE Money Bank
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

LACKS STORES INC
ATTN BANKRUPTCY DEPARTMENT
PO BOX 2088
VICTORIA TX 77902-2088

Linebarger Goggan Blair & Sampson, LLP
711 Navarro, Ste 300
San Antonio, TX 78205-1749

Linebarger Goggan Blair & Sampson, LLP
900 Arion Pkwy, Ste. 104
San Antonio, TX 78216-2872

Lvnv Funding Llc
PO Box 10497
Greenville, SC 29603-0497

Macgregor Medical Center
PO Box 2448
San Antonio, TX 78298-2448

Methodist Children's Hospital
7700 Floyd Curl Drive
San Antonio, TX 78229-3902

Methodist Hospital
PO Box 99400
Louisville, KY 40269-0400

Midland Credit Management ('MCM')
8875 Aero Drive Suite 200
San Diego, CA 92123-2255

Midland Funding
8875 Aero Dr Ste 200
San Diego, CA 92123-2255

NCO Financial Systems, Inc.
2360 Campbell Creek, Ste. 500
Richardson, TX 75082-4453

Nationwide Recovery Sv
Po Box 8005
Cleveland, TN 37320-8005

Pathology Associates Of San Antonio
343 W. Houston St
San Antonio, TX 78205-2107

Proactiv Solution Account
PO Box 361096
Des Moines, IA 50336-1096

RJM Acquisitions LLC
575 Underhill Blvd. Suite 224
Syosset, NY 11791-3416

Rbc Bank
Attn: Bankruptcy
Po Box 90248
Raleigh, NC 27675-0248

Robert Harwood Vargas
431 Dandelion
San Antonio, TX 78245-3358

San Antonio Water System (SAWS)
PO Box 2990
San Antonio, TX 78299-2990

Scott, Parnell & Associates, PC
PO Box 115220
Carrollton, TX 75011-5220

Select Physical Therapy
9150 Huebner Rd #275
San Antonio, TX 78240-1661

South Texas Radiology Group
7950 Floyd Curl Dr Ste SL-21
San Antonio, TX 78229-3919

Speciality Surgery Center
5255 Prue Rd
San Antonio, TX 78240-1335

Speedy Cash
3611 N. Ridge Rd
Wichita, KS 67205-1214

SPRINGLEAF FINANCIAL SERVICES
P O BOX 3251
EVANSVILLE IN 47731-3251

Sprint Customer Service
Attn: Bankruptcy Dept
PO Box 8077
London, KY 40742-8077

Star Anesthesia, P.A.
PO Box 659
San Antonio, TX 78293-0659

Syncb/discount Tire
C/o Po Box 965036
Orlando, FL 32896-0001

Tahseen Abulehieh
c/o Richard Crow, Jr
Sherer & Crow, PLLC
11120 Wurzbach Rd., Ste. 300
San Antonio, TX 78230-2428

Tahseen Abulehieh
c/o Richard R. Crow, Jr.
Sherer & Crow, PLLC
11120 Wurzbach Rd., Ste. 300
San Antonio, TX 78230-2428

Tejas Anesthesia
PO Box 34717
San Antonio, TX 78265-4717

TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
REVENUE ACCOUNTING DIV - BANKRUPTCY SECTION
PO BOX 13528
AUSTIN TX 78711-3528

Texas Workforce Commission
101 E 15th Room 370
Austin, TX 78701-1442

Texas Workforce Commission
Benefit Overpayment Collection
PO Box 149352
Austin, TX 78714-9352

Trans Union
PO Box 2000
Chester, PA 19022-2000

USAA Federal Savings Bank
10750 Mcdermott Fwy
San Antonio, TX 78288-1600

United States Attorney
601 N.W. Loop 410, Suite 600
San Antonio, TX 78216-5597

United States Attorney
IRS/HUD/VA/Department of Education
601 N.W. Loop 410, Suite 600
San Antonio, TX 78216-5512

United States Attorney
SOCIAL SECURITY ADMINISTRATION
601 N.W. Loop 410, Suite 600
San Antonio, TX 78216-5512

United States Attorney General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0009

United States Attorney General
IRS/HUD/VA/Department of Education
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0009

United States Attorney General
SOCIAL SECURITY ADMINISTRATION
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0009

United States Trustee - SA12
US Trustee's Office
615 E Houston, Suite 533
PO Box 1539

San Antonio, TX 78295-1539

University Health Systems
4502 Medical Dr
San Antonio, TX 78229-4402

Usaa Savings Bank
Po Box 47504
San Antonio, TX 78265-7504

VA Regional Office
Office of District Counsel
2515 Murworth Drive
Houston, TX 77054-1603

Victor Quintanilla
1100 NW Loop 410 Ste 700
San Antonio, TX 78213-2258

Wells Fargo
PO Box 7648
Boise, ID 83707-1648

Wells Fargo Bank N.A., d/b/a Wells Fargo Dea
P.O. Box 19657
Irvine, CA 92623-9657

Wfs Financial/Wachovia Dealer Srvs
Po Box 3569
Rancho Cucamonga, CA 91729-3569

Lorraine Marie Vargas
6719 Spring Hurst St.
San Antonio, TX 78249-2919